

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>CARMEN A. SEXTON,</p> <p>Plaintiff,</p> <p>v.</p> <p>NEW JERSEY DEPARTMENT OF CORRECTIONS, et al.,</p> <p>Defendants.</p>	<p>Civil Action No. 21-20404 (GC) (JTQ)</p> <p><u>MEMORANDUM ORDER</u></p>
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CASTNER, District Judge

THIS MATTER comes before the Court upon Plaintiff Carmen A. Sexton's Motion to Appeal *in forma pauperis* (IFP) (ECF No. 177) this Court's October 30, 2024 Order dismissing Plaintiff's claims with prejudice (ECF No. 175). Having carefully considered Plaintiff's submission, the Court finds as follows:

1. Federal Rule of Appellate Procedure (Rule) 24(a)(1) provides that, except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal IFP must file a motion in the district court. The party must attach an affidavit that shows in detail the party's inability to pay or to give security for fees and costs; claims an entitlement to redress; and states the issues that the party intends to present on appeal. Fed. R. App. P. 24(a)(1)(A)-(C).
2. Rule 24(a)(3) provides that a party who was permitted to proceed IFP in the district-court action may proceed IFP on appeal without further authorization unless certain exceptions apply.

3. Because the Court did not previously decide Plaintiff's IFP status, the Court must determine whether Plaintiff has complied with the requirements set out in Rule 24(a)(1). *See* Rule 24(a)(3).
4. "[W]hile there may be extreme circumstances where such a right [to proceed in forma pauperis] should be denied for plain lack of merit, . . . particularly in *pro se* cases, the right to proceed in forma pauperis should generally be granted where the required affidavit of poverty is filed." *Sinwell v. Shapp*, 536 F.2d 15, 19 (3d Cir. 1976) (citing *Lockhart v. D'Urso*, 408 F.2d 354, 355 (3d Cir. 1969)).
5. Here, Plaintiff has submitted a long-form application to proceed IFP on appeal setting forth her inability to pay or to give security for fees and costs. (ECF No. 177.) Plaintiff has also claimed an entitlement to redress and stated the issues that Plaintiff intends to present on appeal. (ECF No. 176.) Plaintiff has therefore met the requirement to proceed IFP on appeal as required by Rule 24(a)(1).

IT IS, therefore, on this 20th day of November 2024, **ORDERED** as follows:

1. Plaintiff's application to proceed on appeal *in forma pauperis* (ECF No. 177) is **GRANTED**.
2. The Clerk is directed to **TERMINATE** the Motion pending at ECF No. 177.


GEORGETTE CASTNER
UNITED STATES DISTRICT JUDGE